

REMARKS

In the Office Action of May 1, 2003, the Examiner has objected to Claims 2, 4-14, 16, 17, 26, 30, 31, 33-39, 41, 42 and 52-54 as being dependent on a rejected base claim. The claims as noted by the Examiner would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 14 and 17 have been written in independent form as claims 55, 56 and 57 respectively. Claims 4-14, 16, 17 and 52-54 have been made dependent in various manners on Claim 55. Claim 58 is a combination of Claims 25 and 26. Claims 30, 31, 33-39, 41 and 42 have been made dependent on Claim 56. Claims 32 and 33 have been combined. All of the foregoing Claims are now considered in condition for filing.

Claims 1, 3, 15, 25, 29, 32 and 40 have been rejected under 35 U.S.C. 102(a) as being anticipated by James, 6,140,820.

Claim 1 has been amended to note that the meter also measures impedance, changes in the measurement or the time response of individual or grouped cells and further includes a matrix array of opto-isolators wherein no common ground is employed by the meter. This amendment overcomes the James reference and adds patentability to the dependent claims 3 and 15.

Independent Claim 25 has been amended to incorporate structure similar to Claim 1 and is now believed patentable. Claims 29, 32 and 40 impart additional unique limitations to a patentable main claim.

Claims 18-24, 27, 28 and 43-51 have been rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Blair, 5,170,124. The Examiner states that

James does not provide an alarm to warn a user as to the status of the cells and perform a shutdown operation. The Examiner contends that Blair remedies this deficit by showing an audible alarm and shutdown procedure and that it is within the general skill of a worker in the art at the time the invention was made to provide the alarm and select a known material on the basis of its suitability for the intended use.

Claims 18-24 are dependant on a revised Claim 1 which differs substantially from the James '820 patent. The Blair patent issued 8 years prior to the James '820 patent and did not address the James '820 arrangement. The fact that Blair cites fuel cells is irrelevant. James '820 would have had to modify his design to incorporate an alarm and shut down system and this never occurred to him.

Regarding Claims 19-24 and 55-51, the Examiner admits that James '820 does not specifically mention the specific display or control of types of performance parameters. Rather, the Examiner contends that it was within the skill of the art to have selected different types of parameters to display and/or control. This is hardly the case since Claims 19-24 which are dependent on an amended Claim 1 relate to PC software, maximum-minimum-averages of performance parameters, strip charts, history logs, impedance models and auto sequencing of data collection. Nowhere is such disclosed in the references or any combination thereof. Claims 44-51 relate to the modulation of reactant gases and the prior art fails to disclose or suggest the unique features claims by applicant.

SUMMARY

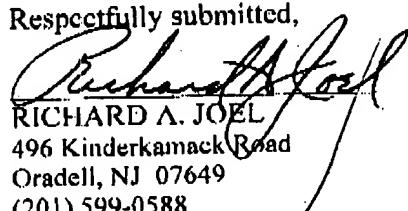
Claims 2, 4-14, 16, 17, 26, 30, 31, 33-39, 41, 42 and 52-54 were noted to contain allowable subject matter. As suggested by the Examiner, applicant has written Claims 2

and 26 in independent form as Claims 55 and 56 respectively. The other claims have been made dependant on the independent claims and are considered to be in condition of allowance.

Claims 1 and 25 have been amended to distinguish over the cited prior art. Essentially, the remaining claims add patentable variations to a patentable parent claim and should be allowable.

Reconsideration and allowance of this application in its amended form is respectfully requested.

Respectfully submitted,


RICHARD A. JOEL
496 Kinderkamack Road
Oradell, NJ 07649
(201) 599-0588
Reg. No. 22212

Dated: September 30, 2003
C:\Documents and Settings\Nancy.Rippli\My Documents\patents\unbarbella\5-101 reply.doc

RECEIVED
CENTRAL FAX CENTER

OCT 01 2003

OFFICIAL